IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SEVENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 13425 of 2004

Between:

Smt. D. Prabhavathi, W/o. D. Pandava Prasada Rao,
Korukonda Primary Agricultural Coop. Society Limited,

Korukonda (Village & Mandal),
East Godavari District.

..... PETITIONER

AND

1 The State of Andhra Pradesh,

Rep. by its Secretary, Cooperation Department,
Secretariat, Hyderabad.
2 Deputy Registrar of Cooperative Societies, Rajahmundry,

East Godavari District.
3 The Special Cadre Registrar/ District Cooperative Officer,
Kakinada, East Godavari District.
4 The Divisional Cooperative Officer, Rajahmundry,

East Godavari District.
5 Korukonda Primary Agricultural Cooperative Society,

Rep. by its Chair-Person, Korukonda (V&M),
East Godavari District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, or Order or direction more particularly one in the nature of "Writ of Certiorari" calling for the records relating to and connected with Orders under Rc.No.D.C.1/04 dated 16-7-2004 of the 5th respondent society issued at the instance of 3rd respondent and to quash or set aside the same by declaring it as illegal, arbitrary, without power, authority or jurisdiction and also violative of principles of natural justice and also the provisions of A.P. Cooperative Societies

Act, 1964 and Rules made there under and against the statutory by laws of the 5th respondent society.

Counsel for the Petitioner:Mr.V.AJAYAKUMAR

Counsel for the Respondent No.1 : GP FOR COOPERATION

Counsel for the Respondent Nos. 2 to 5: Mr.C.V.MOHAN RAO

The Court made the following :

ORDER:

Heard Sri V. Ajay Kumar, learned counsel appearing for the petitioner and also the learned Government pleader for

Co-operation appearing on behalf of the 5th respondent.

The petitioner who has been working as Secretary of the 5th respondent Society filed this writ petition, *inter alia*, seeking to assail the impugned order, dated 16-07-2004, passed by the 5th respondent.

Though several contentions are sought to be urged by both sides, however, the fact remains that the impugned order is passed when the enquiry is pending. However, this court would not venture to interdict any such proceedings at this stage more so, in view of the allegations made against the employee. Instead of continuing the petitioner under suspension for a long time and keeping the matter as it is, it would suffice in the interest of justice to direct the respondents to complete the enquiry at the earliest.

In view of the above, the writ petition is accordingly disposed of directing the respondents to complete the enquiry and pass orders on merits in accordance with law after giving notice and opportunity to the petitioner. The respondents shall complete the entire exercise within a period of three months from the date of receipt of a copy of this order. It is needless to mention that if the enquiry is not completed and final orders are not passed, the petitioner shall be reinstated. It is also needless to mention that the petitioner shall cooperate with the respondents during the course of enquiry.

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B.PRAKASH RAO,J.

Dt: 07..03..2005

rns

To

1 The Secretary,

State of Andhra Pradesh,

Cooperation Department,
Secretariat, Hyderabad.

2 Deputy Registrar of Cooperative Societies, Rajahmundry,

East Godavari District.

3 The Special Cadre Registrar/ District Cooperative Officer,
Kakinada, East Godavari District.

4 The Divisional Cooperative Officer, Rajahmundry,

East Godavari District.

5 The Chair-person,

Korukonda Primary Agricultural Cooperative Society,

Korukonda (V&M),
East Godavari District.

6 Two CCs to G.P. For Co-operation,

High Court of A.P., HYDERABAD(OUT)

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